

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
3:10cv667-W**

JOSEPH E. GLOVER,)
)
Appellant,)
)
v.)
)
MEINEKE CAR CARE CENTERS, INC.)
)
Appellee.)
)
_____)

THIS MATTER comes before the Court on Appellant's Application to Appeal in Forma Pauperis, filed February 11, 2011. (Doc. No. 12).

On December 29, 2010, Appellee filed a Verified Complaint and Motion for a Preliminary Injunction alleging claims of unfair competition and trademark infringements against Appellant. (Doc. No. 1 at 2). On January 21, 2011, the Court entered an Order granting Appellee’s Motion for a Preliminary Injunction. (Doc. No. 10). On February 10, 2011, Appellant filed a Notice of Appeal in connection with that Order. (Doc. No. 11).

By the instant IFP Application, Appellant seeks permission to proceed on appeal without having to pay the \$455.00 filing and docketing fees that are required for said appeal. (Doc. No. 12). In support of his IFP Application, Appellant reports that he has no income or other financial resources, but is “owed” over \$10,000 in retirement payments. (Id. at 1-2). Furthermore, Appellant’s IFP Application reports that he does not own any assets or other property of value. (Id. at 3). Finally, the IFP Application reports that Appellant has no monthly expenses or other debts. (Id. at 4-5).

Based upon the foregoing, the Court finds that Appellant's IFP Application either is incomplete or inaccurate inasmuch as it gives the impression that Appellant is living an income and debt-free existence. Accordingly, Appellant's IFP Application will be denied.

NOW, THEREFORE, IT IS ORDERED that:

1. Appellant's IFP Application (Doc. No. 12) is **DENIED**.
2. Within thirty (30) days of the entry of this Order, Appellant must remit the \$455.00 filing fee for this action.
3. In the alternative, within thirty (30) days of the entry of this Order, Appellant may file a new, fully complete IFP Application along with an attachment clearly explaining how he is able to sustain himself without income or debt. **Appellant is advised that if he fails fully to respond as herein directed, his appeal could be dismissed without further notice to him.**
4. The Clerk of this Court is directed to send copies of this Order to the parties, and to the Clerk of the Fourth Circuit Court of Appeals.

SO ORDERED.

Signed: February 11, 2011



Frank D. Whitney
United States District Judge

